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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
043850.016

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,324,796 granted December 4, 2001 and for which a reissue patent is sought on the invention entitled MODULAR DECKING PLANKS,

the specification of which

☐ is attached hereto.

☒ was filed on 09/26/2003 as reissue application number 10 / 673,074
and was amended on October 24, 2007.
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Applicant believes the original patent to be partly inoperative or invalid by reason of the patentee claiming less than patentee had a right to claim in the patent.

Claim 1 is being broadened to replace the limitation that a plurality of apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" with a broader limitation that the apertures be located "proximate said upwardly extending longitudinal wall". The limitation of claim 1 in the issued patent stating that the apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" is an error because it unduly restricts the location of the apertures.

Claim 2 is being broadened to replace the limitation that a plurality of apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" with a broader limitation that the apertures be located "proximate said upwardly extending longitudinal wall". The limitation of claim 2 in issued patent no. 6,324,796 stating that the apertures must be located "intermediate said second side wall and said upwardly extending longitudinal wall" is an error because it unduly restricts the location of the apertures.

Claim 10 is being broadened to remove the limitation in paragraph (d) that the surface tread comprise a series of "longitudinally extending" lands and crests. The limitation of claim 10, paragraph (d) in issued patent no. 6,324,796 that the lands and crests must extend "longitudinally" is an error because it unduly restricts the orientation of the lands and crests. The phrase "longitudinally extending" in Col. 6, line 5 of patent no. 6,324,796 is an error because it restricts the orientation of the lands and crests in a manner less than the patentee had a right to claim.

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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All errors corrected in this reissue application, including within the amendment(s), arose without any deceptive intention on the part of the Applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)
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Inventor's signature

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Citizenship

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Inventor's signature

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Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.